

### **REMARKS**

Applicant thanks the Examiner for the very thorough consideration given the present application. In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Claims 31-58 and 61-74 are now present in this application. Claims 31, 43, 55, 61, 65, 66, 73 and 74 are independent. Claims 67-74 have been added and claims 31, 32, 43, 44, 55, 61, 65 and 66 have been amended. No new matter has been added. Reconsideration of this application, as amended, is respectfully requested.

### **Examiner Interview**

Applicant wishes to thank the Examiner for the courtesies extended to Applicant's representative during the telephone interviews which were conducted on October 9, 2008, October 15, 2008 and November 6, 2008. Applicant's representative explained the features of the invention that distinguish the present invention from the prior art. The Examiner indicated on October 9, 2008 that the reference cited by the Examiner during the interview, Kweon et al. (USPN 7,358,633), may be used in the next Office Action to issue a rejection. However, as discussed on November 6, 2008, it is respectfully submitted Kweon et al. is not a proper prior art reference because the filing date of Kweon et al. has a later filing date than the earliest effective filing date for the present application. Applicant herewith provides an English translation of the foreign priority document (KR 10-2003-0045539) dated July 5, 2003 to perfect the claim for priority. Accordingly, it is respectfully submitted Kweon et al. is not available as a prior art reference.

Further, the claims have been amended in the manner discussed during the interview. In particular, independent claim 1 has been amended during the discussion, to recite, among other features, a vibrating unit including at least one magnet and a weight, at least one elastic unit configured to support the vibrating unit elastically, the elastic unit having a first portion contacting the upper case and a second portion contacting the vibrating unit, wherein the second

portion and the magnetic force generating unit have an overlapping area in a same vertical plane. These features are supported at least by Figure 3.

As discussed with the Examiner, the cited references do not teach or suggest these features. Accordingly it is respectfully submitted the pending claims are allowable.

#### **Specification Amendments**

Applicants have amended the specification in order to place the specification in better form. As discussed during the interview with the Examiner, the feature "a vibrating unit including a magnet 140 and a weight 150" does not introduce a new matter because it merely clarifies the invention.

#### **Allowable Subject Matter**

The Examiner states that claims 41 and 49 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph.

Applicant thanks the Examiner for the early indication of allowable subject matter in this application. Claims 41 and 49 have been rewritten into independent claims 73 and 74, respectively. Therefore, independent claims 73 and 74 are allowable.

#### **Rejection Under 35 U.S.C. §§ 102 & 103**

Claims 43, 46-48, 50-54 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hiroyoshi et al. Claims 31-34, 38, 39, 42-45, 47, 48, 52, 53, 55-58 and 61-66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimoda et al. Claims 31, 35-37 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimoda et al. in view of Hiroyoshi et al. These rejections are respectfully traversed.

Amended independent claim 31 has been amended to recite, among other features, a vibrating unit including at least one magnet and a weight, at least one elastic unit configured to support the vibrating unit elastically, the elastic unit having a first portion contacting the upper case and a second portion contacting the vibrating unit, wherein the second portion and the

magnetic force generating unit have an overlapping area in a vertical plane. Amended independent claims 43, 55, 61, 65 and 66 include similar features in a varying scope.

The Examiner has indicated during the Examiner's interview that the current applied art does not teach or suggest these features. The Examiner has also indicated that the reference cited by the Examiner during the interview, Kweon et al. (USPN 7,358,633), is not available as a prior art reference if an English translation of the foreign priority document (KR 10-2003-0045539) dated July 5, 2003 is filed.

In detail, Hiroyoshi et al. teaches a vibrating module generating vibration with a magnet 110 and a coil 220. In Hiroyoshi et al., no portion of the spring 310 contacting the vibrating mass 100 is in a vertical plane with the coil 220. Therefore Hiroyoshi et al. does not teach or suggest that the second portion and the magnetic force generating unit have an overlapping area in a vertical plane. Further, Shimoda et al. teaches a vibrating actuator having a coil 2 and a magnet 5. In some embodiments of Shimoda et al., no portion of the supporter 6 contacting the outer yolk 4 is in a vertical plane with the coil 2 (see Figs. 1, 6, 8, 9 and 10 of Shimoda et al.) Further, in other embodiments of Shimoda et al., no portion of the supporter 6 contacting the inner yoke 3 is in a vertical plane with the coil 2 (see Figs. 11 and 12 of Shimoda et al.). Therefore, Shimoda et al. also fails to teach or suggest that the second portion and the magnetic force generating unit have an overlapping area in a vertical plane. Thus, the cited references fail to teach or suggest the features of amended independent claims 31, 43, 55, 61, 65 and 66.

Accordingly, it is respectfully submitted amended independent claims 31, 43, 55, 61, 65 and 66, and each of the claims depending therefrom, are allowable.

#### **Claims Added**

Claims 67-72 have been added for the Examiner's consideration. Applicants submit that claims 67-72 depend, either directly or indirectly, from independent claims 31, 43, 55, 61, 65 and 66, respectively, and are therefore allowable based on their dependence from claims 31, 43, 55, 61, 65 and 66 which are believed to be allowable.

In addition, claims 67-72 recite "wherein the elastic unit is located in a different vertical plane than the at least one magnet, and wherein a vibration direction of the vibrating unit is

substantially toward and away from the magnetic force generating unit.” The Examiner has indicated during the Examiner’s interview that the current applied references do not teach or suggest these features.

Further, as discussed above, independent claims 73 and 74 are allowable because claims 73 and 74 include allowable subject matter of claims 41 and 49, respectively.

Consideration and allowance of claims 67-74 are respectfully requested.

**Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

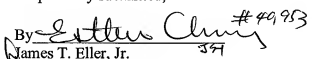
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Jun S. Ha, Registration No. 58,508, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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